

REMARKS/ARGUMENTS

Applicants respond herein to the Final Office Action dated July 31, 2006.

Applicants' attorneys appreciate the Examiner's continued thorough search and examination of the present patent application.

Claims 1 and 7-25 are pending in this application. Claims 1 and 7-25 have been rejected.

Claims 1, 7, 9-13, 19, 20 and 25 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,698,020 to Zigmond et al. ("Zigmond").

Claims 8, 15, 18, 21, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond.

Claims 14, 16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of U.S. Patent No. 6,347,400 to Ohkura et al. ("Ohkura").

Claims 23 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond as applied to claims 8, 15, 18, 21 and 22 above, and further in view of U.S. Patent Application Publication No. 2002/0010935A1 to Sitnik ("Sitnik").

Claim 1 was amended in accordance with the description on page 5, line 26 to page 6, line 2, of the present application, which discusses provision of facilities to determine which viewer in a multi-viewer household was watching content without requiring active input from the user. The above referenced section further recites that "biometric mechanisms are included in end-user equipment such as the receiver or remote control to improve viewer identification precision". For example, the remote control includes a fingerprint reader, i.e., the remote control cannot be used unless the appropriate finger is in the reader portion of the device to identify the user.

In rejecting claim 1, the Examiner refers to col. 9, lines 21-38 and col. 9, line 56 – col. 10, line 3 of Zigmond. These selections, in col. 9, lines 60-62 of Zigmond, specifically describe the user having to interact with a login screen. That is contrary to identifying viewers "without requiring active input from the viewer" as recited in amended claim 1.

Furthermore, the Examiner referenced section at col. 9, lines 48-55 of Zigmond does not suggest reporting contents of the log to a reporting facility, "wherein the reporting facility and the time of reporting is determined by received reporting triggers" recited in claim 1 as amended. Support for reporting triggers is found on page 8, lines 9-17 of the specification.

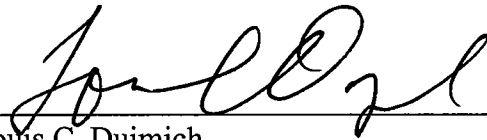
Ohkura and Sitnik do not remedy the deficiencies of Zigmond.

Thus, Applicants' independent claim 1 is patentably distinct from Zigmond, Ohkura and Sitnik, or their combination. Claims 7-25 depend directly or indirectly from the above discussed independent claim and are, therefore, patentable for the same reasons, as well as because of the combination of features in those claims with the features set forth in the respective independent claims.

In view of the above, it is submitted that all claims in this application are now in condition for allowance, prompt notification of which is requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING SYSTEM
ON September 18, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Louis C. Dujmich", is written over a horizontal line.

Louis C. Dujmich
Registration No.: 30,625
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

LCD:JK:ck